



**REPORT OF THE AUDITOR OF PUBLIC ACCOUNTS
AUDIT EXAMINATION OF THE
NICHOLAS COUNTY SHERIFF**

Calendar Year 1999

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EXECUTIVE SUMMARY

NICHOLAS COUNTY CHARLES RING, SHERIFF CALENDAR YEAR 1999 FEE AUDIT

On September 14, 2000, fieldwork was completed on the calendar year 1999 Nicholas County Sheriff's fee audit. An unqualified opinion was rendered on the financial statement. No reportable conditions or issues of non-compliance relating to the audit of the financial statement were reported. The Sheriff paid \$6,231 to the fiscal court on July 10, 2000 for 1999 excess fees. Based on the Sheriff's audited financial statement for calendar year 1999, excess fees due to the fiscal court were \$7,882. Our audit therefore reflects \$1,651 due the Fiscal Court as excess fees at the completion of fieldwork.

Comment and Recommendation:

The report contains one comment regarding salary amounts due the Sheriff for calendar years 1998 and 1999. We recommended that the Sheriff pay these amounts in order to satisfy all liabilities of his fee account.

Deposits:

The Sheriff's deposits were fully collateralized or insured as of December 31, 1999 and throughout the year. The Sheriff had a written agreement with his depository institution.

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Edward B. Hatchett, Jr.
Auditor of Public Accounts

To the People of Kentucky

Honorable Paul E. Patton, Governor

John P. McCarty, Secretary

Finance and Administration Cabinet

Mike Haydon, Secretary, Revenue Cabinet

Honorable Larry Tincher, Nicholas County Judge/Executive

Honorable Charles Ring, Nicholas County Sheriff

Members of the Nicholas County Fiscal Court

Independent Auditor's Report

We have audited the accompanying statement of receipts, disbursements, and excess fees of the County Sheriff of Nicholas County, Kentucky, for the year ended December 31, 1999. This financial statement is the responsibility of the County Sheriff. Our responsibility is to express an opinion on this financial statement based on our audit.

We conducted our audit in accordance with generally accepted auditing standards, Government Auditing Standards issued by the Comptroller General of the United States, and the Audit Guide for County Fee Officials issued by the Auditor of Public Accounts, Commonwealth of Kentucky. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As described in Note 1, the County Sheriff's office is required to prepare the financial statement on a prescribed basis of accounting that demonstrates compliance with the cash basis and laws of Kentucky, which is a comprehensive basis of accounting other than generally accepted accounting principles. This cash basis system does not require the maintenance of a general fixed asset group or general long-term debt group of accounts. Accordingly, the accompanying financial statement is not intended to present financial position and results of operations in conformity with generally accepted accounting principles.

In our opinion, the financial statement referred to above presents fairly, in all material respects, the receipts, disbursements, and excess fees of the County Sheriff for the year ended December 31, 1999, in conformity with the basis of accounting described above.

To the People of Kentucky
Honorable Paul E. Patton, Governor
John P. McCarty, Secretary
Finance and Administration Cabinet
Mike Haydon, Secretary, Revenue Cabinet
Honorable Larry Tincher, Nicholas County Judge/Executive
Honorable Charles Ring, Nicholas County Sheriff
Members of the Nicholas County Fiscal Court

Based on the results of our audit, we have presented comments and recommendations, included herein, which discusses the following area of noncompliance:

- The Sheriff Should Pay Himself Salary Amounts Due For Calendar Years 1998 And 1999

In accordance with Government Auditing Standards, we have also issued a report dated September 14, 2000, on our consideration of the County Sheriff's compliance with certain laws and regulations and internal control over financial reporting.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ed Hatchett", with a long horizontal flourish extending to the right.

Edward B. Hatchett, Jr.
Auditor of Public Accounts

Audit fieldwork completed -
September 14, 2000

NICHOLAS COUNTY
CHARLES RING, SHERIFF
STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES

Calendar Year 1999

Receipts

State Fees For Services	\$	3,006
Circuit Court Clerk:		
Sheriff Security Service	\$	5,265
Fines and Fees Collected	<u>790</u>	6,055
Fiscal Court		19,495
County Clerk - Delinquent Taxes		2,505
Commission On Taxes Collected		52,722
Penalty On Taxes Collected		8,468
Fees Collected For Services:		
Auto Inspections	\$	145
Accident and Police Reports	41	
Serving Papers	<u>3,925</u>	4,111
Other:		
Carrying Concealed Deadly Weapon Permits	\$	1,200
Miscellaneous	<u>376</u>	1,576
Interest Earned		672
Borrowed Money:		
State Advancement		<u>20,000</u>
Total Receipts	\$	118,610

Disbursements

Operating Disbursements:

Personnel Services-

Deputies' Gross Salaries	\$	17,450
Other Gross Salaries		16,500

NICHOLAS COUNTY
 CHARLES RING, SHERIFF
 STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES
 Calendar Year 1999
 (Continued)

Disbursements (Continued)

Operating Disbursements: (Continued)

Materials and Supplies-		
Office Materials and Supplies	\$	212
Other Charges-		
Carrying Concealed Deadly Weapon Permits		640
Postage		33
Telephone		1,757
Bond		187
Miscellaneous		310
Debt Service:		
State Advancement		<u>20,000</u>
Total Disbursements	\$	<u>57,089</u>
Net Receipts	\$	61,521
Less: Statutory Maximum		<u>53,639</u>
Excess Fees Due County for Calendar Year 1999	\$	7,882
Payment to County Treasurer - July 10, 2000		<u>6,231</u>
Balance Due at Completion of Audit	\$	<u><u>1,651</u></u>

The accompanying notes are an integral part of the financial statement.

NICHOLAS COUNTY
NOTES TO FINANCIAL STATEMENT

December 31, 1999

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

A fee official uses a fund to report on the results of operations. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

A fee official uses a fund for fees to account for activities for which the government desires periodic determination of the excess of receipts over disbursements to facilitate management control, accountability, and compliance with laws.

B. Basis of Accounting

The financial statement has been prepared on a cash basis of accounting pursuant to KRS 68.210 as recommended by the State Local Finance Officer. Revenues and related assets are generally recognized when received rather than when earned. Certain expenses are recognized when paid rather than when a liability is incurred, including capital asset purchases. Certain other expenses are recognized when revenue and the related asset can be associated with a corresponding liability due another governmental entity.

The measurement focus of a fee official is upon excess fees. Remittance of excess fees is due to the County Treasurer in the subsequent year.

C. Cash and Investments

At the direction of the fiscal court, KRS 66.480 authorizes the County Sheriff's office to invest in the following, including but not limited to, obligations of the United States and of its agencies and instrumentalities, obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States, obligations of any corporation of the United States government, bonds or certificates of indebtedness of this state, and certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation (FDIC) or which are collateralized, to the extent uninsured, by any obligation permitted by KRS 41.240(4).

Note 2. Employee Retirement System

The county officials and employees have elected to participate in the County Employees Retirement System (CERS), pursuant to KRS 78.530 administered by the Board of Trustees of the Kentucky Retirement Systems. This is a multiple-employer public retirement system that covers all eligible full-time employees. Benefit contributions and provisions are established by statute. Nonhazardous covered employees are required to contribute 5.0 percent of their salary to the plan. The county's contribution rate for nonhazardous employees was 7.28 percent.

NICHOLAS COUNTY
NOTES TO FINANCIAL STATEMENT
December 31, 1999
(Continued)

Note 2. Employee Retirement System (Continued)

Benefits fully vest on reaching five years of service for nonhazardous employees. Aspects of benefits for nonhazardous employees include retirement after 27 years of service or age 65.

Historical trend information pertaining to CERS' progress in accumulating sufficient assets to pay benefits when due is present in the Kentucky Retirement Systems' annual financial report which is a matter of public record.

Note 3. Deposits

The Sheriff maintained deposits of public funds with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC). According to KRS 66.480(1)(d) and KRS 41.240(4), the depository institution should pledge or provide sufficient collateral which, together with FDIC insurance, equals or exceeds the amount of public funds on deposit at all times. In order to be valid against the FDIC in the event of failure or insolvency of the depository institution, this pledge or provision of collateral should be evidenced by an agreement between the Sheriff and the depository institution, signed by both parties, that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, and (c) an official record of the depository institution. These requirements were met, and as of December 31, 1999, the Sheriff's deposits were fully insured or collateralized at a 100% level with collateral of either pledged securities held by the Sheriff's agent in the Sheriff's name, or provided surety bonds which named the Sheriff as beneficiary/obligee on the bonds.

Note 4. Tax Commissions

The 1999 Nicholas County Tax Settlement audit reflects franchise tax commissions of \$1,651 due the Nicholas County Sheriff's 1999 fee account. The additional \$1,651 of franchise tax commissions will be remitted to the fiscal court as 1999 excess fees.

COMMENT AND RECOMMENDATION

NICHOLAS COUNTY
CHARLES RING, SHERIFF
COMMENT AND RECOMMENDATION

Calendar Year 1999

STATE LAWS AND REGULATIONS:

The Sheriff Should Pay Himself Salary Amounts Due For Calendar Years 1998 And 1999

At the completion of the calendar year 1998 fee audit, the Sheriff was due \$5,695 in additional salary. This amount was not paid to the Sheriff during 1999. At the completion of the calendar year 1999 fee audit, the Sheriff was due \$6,682 (A) in additional salary for 1999. In January 2000, the Sheriff was paid \$10,000 in salary which should be allocated as follows:

Calendar Year 1998 Salary Due Sheriff	\$	5,695
Calendar Year 1999 Salary Due Sheriff		<u>4,305</u> (A)

Total 1998 and 1999 Salary Paid Sheriff in January 2000 \$ 10,000

(A) As indicated above, the total due to the Sheriff for calendar year 1999 was \$6,682. The amount paid in January 2000, as allocated above, was \$4,305. The Sheriff is therefore due additional salary of \$2,377 ($\$6,682 - 4,305 = \$2,377$) for 1999. We recommend the Sheriff pay himself this amount in order to satisfy all liabilities of the calendar year 1999 fee account.

Sheriff's Response:

I will pay myself for what is due me.

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REPORT ON COMPLIANCE
AND ON INTERNAL CONTROL OVER FINANCIAL
REPORTING BASED ON AN AUDIT OF THE FINANCIAL STATEMENT
PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS



Edward B. Hatchett, Jr.
Auditor of Public Accounts

Honorable Larry Tincher, Nicholas County Judge/Executive
Honorable Charles Ring, Nicholas County Sheriff
Members of the Nicholas County Fiscal Court

Report On Compliance And On Internal Control
Over Financial Reporting Based On An Audit Of The Financial
Statement Performed In Accordance With Government Auditing Standards

We have audited the Nicholas County Sheriff as of December 31, 1999, and have issued our report thereon dated July 18, 2000. We conducted our audit in accordance with generally accepted auditing standards and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States.

Compliance

As part of obtaining reasonable assurance about whether the Nicholas County Sheriff's financial statement as of December 31, 1999, is free of material misstatement, we performed tests of its compliance with certain provisions of laws and regulations, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance that are required to be reported under Government Auditing Standards.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the Nicholas County Sheriff's internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinion on the financial statement and not to provide assurance on the internal control over financial reporting. Our consideration of the internal control over financial reporting would not necessarily disclose all matters in the internal control over financial reporting that might be material weaknesses. A material weakness is a condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that misstatements in amounts that would be material in relation to the financial statement being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions. We noted no matters involving the internal control over financial reporting and its operation that we consider to be material weaknesses.

Honorable Larry Tincher, Nicholas County Judge/Executive
Honorable Charles Ring, Nicholas County Sheriff
Members of the Nicholas County Fiscal Court
Report On Compliance And On Internal Control
Over Financial Reporting Based On An Audit Of The Financial
Statement Performed In Accordance With Government Auditing Standards
(Continued)

This report is intended solely for the information and use of management and is not intended to be and should not be used by anyone other than the specified party. However, this report, upon release by the Auditor of Public Accounts, is a matter of public record and its distribution is not limited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ed Hatchett", with a long horizontal flourish extending to the right.

Edward B. Hatchett, Jr.
Auditor of Public Accounts

Audit fieldwork completed -
July 18, 2000

